

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION**

**M.F., a minor, by and through his father, §  
MICHAEL FISHER, and his mother, §  
KATHERINE FISHER, §**

**Plaintiff, §**

**v. §**

**CARROLL INDEPENDENT §  
SCHOOL DISTRICT, WHITNEY §  
WHEELER, in her individual capacity §  
and capacity as Principal of Durham §  
Intermediate School, AND KIM RAY, §  
in her individual capacity and capacity §  
as Assistant Principal and Campus §  
Behavior Coordinator of Durham §  
Intermediate School, §**

**Defendants. §**

**Civil Action No. 4:23-cv-01102-O**

**JURY TRIAL DEMANDED**

**PLAINTIFF M.F.’S EMERGENCY MOTION TO EXTEND THE TRO AND CONTINUE  
THE PRELIMINARY-INJUNCTION HEARING TO PROVIDE DEFENDANTS’  
SUFFICIENT TIME TO SATISFY THEIR FERPA OBLIGATIONS, OR, IN THE  
ALTERNATIVE, TO PRECLUDE SUCH FERPA-PROTECTED MATERIALS**

Plaintiff M.F., a minor, by and through his father, Michael Fisher, and his mother, Katherine Fisher (“Plaintiff”), by and through his undersigned counsel, respectfully submits this Emergency Motion to Extend the TRO and Continue the Preliminary-Injunction Hearing to Provide Defendants Sufficient Time to Satisfy Their FERPA Obligations, or, In the Alternative, to Preclude Such FERPA-Protected Materials.

The grounds for this Motion are set forth in greater detail in Plaintiff’s accompanying Brief, which is being filed concurrently with this Motion. Plaintiff respectfully requests that the Court:

- Grant Plaintiff’s Motion.

- Extend the TRO (ECF No. 13) and continue the preliminary-injunction hearing (ECF No. 14) for a sufficient period of time to allow Defendants sufficient time to satisfy their FERPA obligations;
- Or, in the alternative, to preclude any admission, reference to, or testimony at the November 16, 2023 preliminary-injunction hearing regarding the contents of the produced materials protected by FERPA.

Dated: November 15, 2023

Respectfully submitted,

**SBAITI & COMPANY PLLC**

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**ATTORNEYS FOR PLAINTIFF**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served via ECF on all counsel of record on November 15, 2023.

/s/ Griffin S. Rubin

Griffin S. Rubin

**CERTIFICATE OF CONFERENCE**

Pursuant to Local Civil Rule 7.1(a)–(b), the undersigned hereby certifies that on November 15, 2023, Griffin Rubin, counsel for Plaintiff, and Timothy Davis and Allison Allman, counsel for Defendants, met and conferred via telephone on the issues presented by the Motion. Counsel for Defendants indicated that Defendants are opposed to the relief requested.

/s/ Griffin S. Rubin

Griffin S. Rubin